IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3593 OF 2006
IN
SESSIONS CASE NO.486 OF 2006

Gangadhar Manikrao Dhumal Applicant
versus
The State of Maharashtra Respondent

Smt.Megha Puralkar for applicant.
Shri S.S.Pednekar, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 11th October 2006

PC :

1. The applicant-accused is arrested on 24th February 2006 in connection with CR No.158 of 2006 alleging offences punishable under sections 255 and 258 of IPC..

2. The arrest is effected because of the CR registered by Azad Maidan Police Station. The complainant is Clerk of General Stamp Office, Fort Branch. A complaint is lodged against unknown persons. It is alleged that in the year 2002 one lady purchased impressed court fee stamps from applicant-accused valued at

Rs.8,700/- of different denominations. The applicant at the relevant time was a stamp vendor in the High Court Building. The counterfeit court fee stamps worth Rs.5,000/- have been sold to this lady. The matter is at the stage of investigations. The application for bail preferred by the applicant has been rejected by learned Ad-hoc Additional Sessions Judge, Sewree, Mumbai.

3. The learned advocate appearing for the applicant submits that just because reinvestigation order is passed in the matter physical custody of the applicant-accused is not required. The Police authorities have already submitted an incomplete charge sheet. The applicant has been arrested on 24th February 2006 and has undergone custody till date. For no fault of the applicant and when all documents are already seized, the applicant cannot be continued to be detained in custody.

4. The learned APP has pointed out that the probate has been sent for the examination of the handwriting expert and soon the investigation would be complete and further steps in accordance with the law would be taken.

5. In my view, considering the fact that the applicant is detained from February 2006 and merely because the investigation is in progress, he cannot be detained further. More so, when there is no possibility of the applicant absconding and not being available when the case is tried. His three applications have been rejected by the Trial Court but there does not appear to be any progress in the matter. Hence following order.

6. ORDER :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.158 of 2006 registered with Azad Maidan Police Station, Mumbai subject to furnishing a personal bond of Rs.5,000/- (Rs.Five thousand only) with one or two local sureties in the like sum;

(ii) The applicant shall report Azad Maidan Police Station, Mumbai once in a fortnight till trial is concluded;

(iii) The applicant shall not leave limits of Mumbai City and Navi Mumbai City without prior

permission of the Trial Court;

(iv) The applicant shall forthwith furnish his address to the investigating agency where he proposes to reside after bail and during pendency of trial, and shall not change his residence without giving prior intimation to the investigating authority;

(v) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(vi) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(vii) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial;

(viii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)